

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHRISTOPHER J. WILLING,

Plaintiff,

v.

DEPUTY ARMS et al.,

Defendants.

Case No. 2:14-cv-01122-APG-PAL

ORDER

(Mot. Prior Discovery – Dkt. #86)
(Mot. Ext. Discovery – Dkt. #87)

This matter is before the Court on Defendant Nye County's Motion/Request for Prior Pleadings and All Discovery (Dkt. #86) and Motion to Extend Discovery (Dkt. #87). This proceeding was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-9.

I. MOTION/REQUEST FOR PRIOR PLEADINGS AND ALL DISCOVERY (DKT. #86)

Defendant Nye County submitted its request for "copies of any and all prior pleadings and discovery requests and responses" from both Defendant Health Care Partners and Plaintiff. Defendant Health Care Partners filed a Response (Dkt. #89) with the Court.

LR 26-6 of the Local Rules of Practice states:

A party who enters a case after discovery has begun is entitled, on written request, to inspect and copy, at the requesting party's expense, all discovery provided or taken by every other party in the case. *The request shall be directed to the party who provided the discovery or, if the discovery was obtained from a person not a party to the case, to the party who took such discovery.*

Id. (emphasis added). This request should have been served on the parties from whom discovery was requested was improperly filed on the Court's docket. See LR 26-8 (providing that written discovery "shall not be filed with the Court"). Accordingly, the Court will direct the Clerk's Office to strike the improper filing from the docket.

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1 **II. MOTION TO EXTEND DISCOVERY (DKT. #87)**

2 In this Motion, filed November 30, 2015, Defendant Nye County requests a 60-day
3 extension of the discovery deadlines based on its recent involvement in the case. The Court
4 granted Plaintiff leave to amend his Complaint on August 21, 2015, and instructed the Clerk's
5 Office to issue summons for Nye County and two officers at the Nye County Detention Center.
6 *See* Order (Dkt. #68);¹ Am. Compl. (Dkt. #69). On October 22, 2015, a summons was returned
7 executed for Nye County. *See* USM Return Executed (Dkt. #80).

8 When a request is made to modify a discovery plan and scheduling order before the
9 expiration of the deadlines therein and before the final pretrial order is entered, a district court
10 may extend the discovery deadlines upon a showing of "good cause." *Coleman v. Quaker Oats*
11 *Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000). The good cause standard "primarily considers the
12 diligence of the party seeking the amendment." *Id.* Discovery extensions may be allowed if the
13 deadlines "cannot reasonably be met despite the diligence of the party seeking the extension."
14 *Id.* Additionally, any motion or stipulation to extend a deadline or to reopen discovery must
15 comply with Local Rules 26-4 and 6-1, and include the following:

- 16 (a) A statement specifying the discovery completed;
17 (b) A specific description of the discovery that remains to be completed;
18 (c) The reasons why the deadline was not satisfied or the remaining discovery was
19 not completed within the time limits set by the discovery plan; and,
20 (d) A proposed schedule for completing all remaining discovery.

21 *See* LR 26-4.

22 Nye County in this matter has not had the same opportunity to conduct discovery. An
23 extension will allow Nye County an opportunity to review the pleadings, draft written discovery,
24 and notice and conduct depositions. Neither Plaintiff nor Defendant Health Care Partners filed
25 an opposition to this Motion and the time for filing a response has now passed. In a separate
26 order, the Court has ordered summons re-issued to Defendant Deputy Gregory Arms and given

27 ¹ The Order also extended the discovery deadlines stated in the Scheduling Order (Dkt. #44) by 90 days,
28 which imposed the following new deadlines: (a) discovery shall be completed by December 21, 2015; (b)
motions for summary judgment shall be filed and served by January 20, 2016; and (c) the Parties shall file
a Joint Pretrial Order by February 22, 2016. *See* Order (Dkt. #68) at 5.

1 Mr. Willing 45 days (or until April 18, 2016) to effectuate service. As such, the Court finds
2 good cause to extend the deadlines stated in Order (Dkt. #68) by 90 days from the date of entry
3 of this Order.

4 Accordingly,

5 **IT IS ORDERED:**

- 6 1. The Clerk of the Court shall STRIKE Defendant Nye County's Motion/Request for
7 Prior Pleadings and All Discovery (Dkt. #86) and Defendant Health Care Partners'
8 Response (Dkt. #89) from the docket.
- 9 2. Defendant Nye County's Motion to Extend Discovery (Dkt. #87) is GRANTED. The
10 following deadlines stated in Order (Dkt. #68) are extended by 90 days:
- 11 a. Discovery in this action shall be completed on or before June 2, 2016;
12 b. Motions for summary judgment shall be filed and served no later than July 1,
13 2016; and
14 c. The Parties shall file a Joint Pretrial Order on or before August 1, 2016.

15 Dated this 3rd day of March, 2016.

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18 PEGGY A. LEEN
19 UNITED STATES MAGISTRATE JUDGE
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